

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA

- v. -

JIN LIAN CHEN,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/26/2023

: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
MONEY JUDGMENT

: S1 23 Cr 15 (JHR)

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WHEREAS, on or about January 12, 2023, JIN LIAN CHEN (the “Defendant”), was charged in an one-count Information, 23 Cr 15 (JHR) (the “Information”), with conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956 (h) (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real and personal, involved in the offense charged in Count One of the Information, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in the offense charged in Count One of the Information;

WHEREAS, on or about June 26, 2023, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), *inter alia*, a sum of money equal to \$34,043 in United States currency, representing property involved in the offense charged in Count One of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$34,043 in United States currency representing the property involved in the offense charged in Count One of the Information, for which the Defendant is jointly and severally liable with his co-defendant, Yibin Tan to the extent a forfeiture money judgment is entered against Yibin Tan in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the property involved the offense charged in Count One of the Information cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney, Daniel G. Nessim of counsel, and the Defendant, and his counsel, James Roland Costo, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$34,043 in United States currency (the “Money Judgment”), representing the property involved in the offense charged in Count One of the Information, for which the Defendant is jointly and severally liable with his co-defendant, Yibin Tan to the extent a forfeiture money judgment is entered against Yibin Tan in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, JIN LIAN CHEN, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Daniel Nessim
DANIEL G. NESSIM
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2486

3/13/2023
DATE

JIN LIAN CHEN

By: Jin Lian Chen
JIN LIAN CHEN

3/13/2023
DATE

By: James Roland Costo
JAMES ROLAND COSTO, ESQ.
Attorney for Defendant
50 Park Place, Suite 600
New York, New York 10007

3/13/2023
DATE

SO ORDERED:

Jennifer H. Rearden
HONORABLE JENNIFER H. REARDEN
UNITED STATES DISTRICT JUDGE

6/26/2023
DATE